

**§ 550.50 What is a fiduciary account?**

A fiduciary account is an account that you administer acting in a fiduciary capacity.

**§ 550.60 What other definitions apply to this part?**

*Affiliate* has the same meaning as in 12 U.S.C. 221a(b). For purposes of this part, substitute the term “Federal savings association” for the term “member bank” whenever it appears in 12 U.S.C. 221a(b).

*Applicable law* means the law of a State or other jurisdiction governing your fiduciary relationships, any Federal law governing those relationships, the terms of the instrument governing a fiduciary relationship, and any court order pertaining to the relationship.

*Fiduciary officers and employees* means the officers and employees of a Federal savings association to whom the board of directors or its designee has assigned functions involving the exercise of the association’s fiduciary powers.

### Subpart A—Obtaining Fiduciary Powers

**§ 550.70 Must I obtain OTS approval before exercising fiduciary powers?**

Unless you are covered by subpart E of this part, you must obtain prior approval from the OTS before exercising fiduciary powers.

**§ 550.80 How do I obtain OTS approval?**

You must file an application under § 516.1(c) of this chapter.

**§ 550.90 What information must I include in my application?**

You must describe the fiduciary powers that you or your affiliate will exercise. You must also include information necessary to enable the OTS to make the determinations described in § 550.100.

**§ 550.100 What factors may the OTS consider in its review of my application?**

The OTS may consider the following factors when reviewing your application:

- (a) Your financial condition.

- (b) Your capital and whether that capital is sufficient under the circumstances.

- (c) Your overall performance.

- (d) The fiduciary powers you propose to exercise.

- (e) Your proposed supervision of those powers.

- (f) The availability of legal counsel.

- (g) The needs of the community to be served.

- (h) Any other facts or circumstances that the OTS considers proper.

**§ 550.110 Who will act on my application?**

The Director of OTS may act on any application. The Regional Director may act on an application if it does not raise any significant issues of law or policy on which the OTS has not taken a formal position.

**§ 550.120 What action will the OTS take on my application?**

The OTS may approve or deny your application. If your application is approved, the OTS may impose conditions to ensure that the requirements of this part are met.

### Subpart B—Exercising Fiduciary Powers

**§ 550.130 What fiduciary powers may I exercise?**

You may exercise only those fiduciary powers specified in the OTS approval under § 550.120. Unless otherwise provided in the approval, you may exercise fiduciary powers only from those offices listed in the application.

**§ 550.140 Must I adopt and follow written policies and procedures in exercising fiduciary powers?**

You must adopt and follow written policies and procedures adequate to maintain your fiduciary activities in compliance with applicable law. Among other relevant matters, the policies and procedures should address, where appropriate, the following areas:

- (a) Your brokerage placement practices.

- (b) Your methods for ensuring that your fiduciary officers and employees do not use material inside information